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Co-counsel to US Xpress Enterprises Inc. Eft

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re: Chapter 11
Case No. 05-44481 (RDD)
DELPHI CORPORATION., *et al.*,
Debtors. (Jointly Administered)

-----X
**US XPRESS ENTERPRISES INC. EFT'S RESPONSE TO DEBTORS' SEVENTH
OMNIBUS OBJECTION TO CERTAIN CLAIMS**

Claimant:	US Xpress Enterprises Inc. Eft
Claim No:	13806
Date Claim Filed:	August 21, 2006
Asserted Claim Amount:	\$72,704.52
Basis For Debtor's Objection:	Late Claims
Debtor's Proposed Treatment of Claim:	Disallow and Expunge

US Express Enterprises Inc. Eft (“US Xpress”), as and for its response (“Response”) to the Debtors’ Seventh Omnibus Objection (the “Objection”) to its Proof of Claim No. 13806, respectfully states as follows:

BACKGROUND

1. US Xpress is a transportation company that provides freight transportation services throughout North America. Delphi Corporation (“Delphi”) has been an USXpress customer since at least 1999, and was regularly contacted by Delphi and its agents when Delphi needed trucking support to move goods. Delphi and US Xpress were doing business as of the date of Delphi’s bankruptcy filing, and thus, US Xpress was an actual and known creditor of Delphi at the time of the bankruptcy filing

2. As stated in the proof of claim filed by US Xpress, as of the October 8, 2005 petition date, Debtor Delphi Corp. was indebted to US Xpress for services rendered in the aggregate amount of \$72,704.52 (the “Claim”). The pre-petition amounts due include billings that were as close to the petition date as October 4, 2005.

3. Notwithstanding the ongoing business relationship between Delphi and US Xpress and the fact that US Xpress was a known creditor as of the petition date, upon information and belief, Delphi did not list US Xpress as a creditor in its original or amended Schedules of Assets and Liabilities.

4. US Xpress has reviewed its files and has no record of ever having received notice of a deadline for filing claims in connection with these cases. In August of 2006, US Xpress prepared and filed a proof of claim in the amount of the Claim and included therewith a statement of account evidencing the amount of the Claim. The proof of claim was

received by the Court on August 21, 2006 and designated Claim No. 13806 (the “Filed Claim”) and represents a valid and unpaid obligation.

RESPONSE

5. In the Objection, the Debtors ask the Court to disallow and expunge the Filed Claim as a late filed claim. Although the Filed Claim was apparently filed after the bar date, US Xpress was entitled to but did not receive actual notice of the bar date. *See City of New York v. New York, N.H. & H.R. Co.*, 344 U.S. 293, 296 (1953); *see also In re Drexel Burnham Lambert Group, Inc.*, 151 B.R. 674, 680 (Bankr. S.D.N.Y. 1993)(“According to well-established case law, due process requires that a debtor’s known creditors be afforded actual notice of the bar date.”)

6. In light of the fact that US Xpress was entitled to and did not receive actual notice of the Bar Date, the Objection should be overruled and the Filed Claim allowed as filed.

7. US Xpress reserves the right to amend or supplement this Response as necessary.

WHEREFORE, for the foregoing reasons, the Objection should be overruled and the Filed Claim should be allowed as a general unsecured claim in the amount of \$72,704.52.

Dated: New York, New York
February 8, 2007

HALPERIN BATTAGLIA RAICHT, LLP

By: /s/ Donna H. Lieberman
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Co-counsel to US Xpress Enterprises Inc. Eft

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

Chapter 11

In re:

Case No. 05-44481 (RDD)

DELPHI CORPORATION., *et al.*,

Debtors.

(Jointly Administered)

-----x

State of New York)
)
 ss.:
County of New York)

AFFIDAVIT OF SERVICE

Ethan D. Ganc, being duly sworn, deposes and says:

I am not a party to the action. I am over the age of eighteen years and reside in New York, New York.

On February 8, 2007, I served a copy of US Express Enterprises Inc. Eft's Response to Debtors' Seventh Omnibus Objection to Certain Claims by causing true and correct copies of the same to be sent to the persons on the attached list in the manner set forth on the following page.

/s/ Ethan D. Ganc
Ethan D. Ganc

Sworn to before me this 8th day of February 2007.

/s/ Neal W. Cohen
NOTARY PUBLIC

Neal W. Cohen
State of New York
No. 02CO5056426
Qualified in Nassau County
Commission Expires March 4, 2010

Copy in Paper Form by Federal Express to:

Skadden, Arps, Slate, Meagher & Flom LLP
333 West Wacker Drive, Suite 2100
Chicago, IL 60606

Attn: John Wm. Butler, Jr.
John K. Lyons
Randall G. Reese

Copy in Paper Form by First Class, United States Mail to:

Delphi Corporation
5725 Delphi Drive
Troy, Michigan 48098

Attn: General Counsel